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**Written statement* submitted by Human Rights Watch (HRW),
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s) and its content is the author's sole responsibility.

The terrible toll of the conflict on civilians: ongoing human rights abuses and violations of international humanitarian law

The continuing toll of the conflict between Israel and Hezbollah is enormous and warrants the attention of this special session of the Human Rights Council: hundreds of civilians, many of them children, have been killed, essential infrastructure has been destroyed, and millions of lives have been disrupted. Serious violations of international humanitarian law (IHL) have been committed by both Israel and Hezbollah. The victims deserve more than rhetoric, though: they require that this Council take concrete and constructive steps to help end their suffering. To be effective, those steps must address the roles and responsibilities of all parties. If this Council neglects to consider the full conflict, and looks at violations of international law only by Israel while ignoring violations by Hezbollah, its pronouncements will lack credibility and be futile.

Since the beginning of the armed conflict on July 12, Israel has carried out more than 5000 air strikes over Lebanon, and fired artillery shells into southern Lebanon, killing over 600 Lebanese civilians, and wounding thousands. During that same period, Hezbollah has fired over 2500 rockets into Israel, killing 36 Israeli civilians, and wounding hundreds more. Since the start of the hostilities, Human Rights Watch (HRW) researchers have been on the ground documenting the conduct of both warring parties and the impact of their misconduct on civilians.

Israeli air and artillery strikes

Human Rights Watch's research shows that Israeli forces have consistently launched artillery and air attacks with limited or dubious military gain but excessive civilian cost. In dozens of attacks, Israeli forces struck a civilian structure or vehicle with no apparent military target in the vicinity. In a few cases, the timing and intensity of the attacks, the absence of a military target, as well as return strikes on rescuers, suggest that Israeli forces deliberately targeted civilians.

By failing to distinguish between combatants and civilians in their military campaign, Israel has violated one of the most fundamental tenets of the laws of war: the duty to carry out attacks on only military targets. Under IHL, parties to an armed conflict must not make the civilian population the object of attack, or fire indiscriminately into civilian areas. Nor can they launch attacks that they know will cause incidental loss of civilian life, injury to civilians or damage to civilian objects that exceeds the concrete and direct military advantage anticipated. Such attacks constitute war crimes. For example, HRW has found that 28 people were killed in Qana on July 30, eleven died in the July 16 bombing of a civilian home in Aitaroun; and another eleven were killed when an apartment building was destroyed in Tyre that same day. There is no evidence to suggest in any of these cases that Hezbollah forces or weapons were in or near the area that the IDF targeted during or just prior to the attack.

The Israel Defense Forces (IDF) have consistently blurred the distinction between civilians and combatants. Israeli government officials have argued that after Israel ordered civilians to evacuate southern Lebanon, only people associated with Hezbollah remain, and thus are legitimate targets of attack. Under international law, however, only civilians directly participating in hostilities lose their immunity from attack. Many civilians have been

unable to flee because they are sick, wounded, do not have the means to leave, are providing essential civil services, or lack a safe route for their departure. HRW has documented 27 deaths that resulted when civilians came under attack as they attempted to flee southern Lebanon, as well as two Israeli air strikes on humanitarian aid vehicles. This week, Israel has warned that any vehicle moving south of the Litani River will be targeted as they may be carrying rockets or other military equipment. Such an approach presents a clear violation of IHL, as it presumes that civilian objects are valid military targets without properly making such a determination.

HRW also documented the IDF's firing of artillery shells with cluster munitions into civilian areas. Due to their wide dispersal pattern and their high failure rate, HRW believes that cluster munitions should never be used in or near populated areas.

Although our investigations are still ongoing, HRW has collected evidence that Hezbollah has stored weapons in or near civilian homes and that fighters placed rocket launchers within populated areas or near U.N. observers. These are serious violations of IHL because they violate the duty to take all feasible precautions to avoid civilian casualties. If done for the purpose of shielding military assets behind civilians, they are war crimes. However, those cases do not justify the IDF's extensive use of indiscriminate force in other situations where civilians were killed and there was no evidence of a Hezbollah presence at the time of the Israeli attack. HRW researchers documented 153 civilian deaths in the first weeks of the conflict – more than one-third of the total Lebanese civilian deaths during that period – in which we found no evidence of Hezbollah forces or weapons present in or near the area during or just prior to the IDF attack.

Hezbollah rocket attacks

Human Rights Watch has also documented violations of IHL by Hezbollah, including a pattern of deliberate attacks on civilians which amount to war crimes. As noted, more than 2,500 rockets have been fired into northern Israel. While Hezbollah claims that some of its attacks are aimed at military targets, most of the rocket attacks appear to have been directed at civilian areas and have hit pedestrians, hospitals, schools, homes and businesses.

As the weapons being used by Hezbollah lack a guidance system, they are inherently indiscriminate and should never be directed at civilian areas. By firing these rockets at civilian areas, Hezbollah has violated the obligation of IHL that requires attackers to distinguish at all times between combatants and civilians. For example, HRW documented rocket attacks that damaged Safed and Nahariya hospitals in northern Israel and injured patients in the former. In the absence of armed troops or military assets inside, hospitals must never be attacked, and attacking them deliberately is a war crime.

Some of the rockets Hezbollah has fired at Haifa and Nazareth have been packed with 14kg of metal ball bearings that explode on impact and cause extensive damage and harm to civilians, such as a July 16 rocket attack on a Haifa train depot that killed eight rail workers. These weapons cannot discriminate between military targets and civilians and should never be used in civilian areas.

Since Hezbollah started its barrage of Katyusha rockets on July 12, approximately half of

northern Israel's one million residents have fled to safer parts of the country. Many of those who remain are largely confined to bomb shelters and safe rooms and live in constant fear of the next air raid siren or rocket attack.

Humanitarian Crisis

The Israeli offensive has created a humanitarian crisis in Lebanon, especially south of the Litani River where an estimated 100,000 civilians remain. All bridges over the Litani River have been destroyed, limiting humanitarian access to the area. Even if humanitarian convoys were able to access the area, they are in grave danger given Israel's warnings that it will bomb any vehicle moving south of the Litani River. Aid agencies, including the U.N. World Food Program, have stopped deliveries to southern villages because of danger on the roads. In Beirut, fuel is running out, and the electricity supply is in danger. The World Health Organization has warned that without a fuel delivery this week, 60 percent of the hospitals in Lebanon will "simply cease to function."

Recommendations

The Human Rights Council's resolution on Lebanon must address the well documented violations of IHL by both Israel and Hezbollah, and make recommendations that will be effective in addressing the ongoing violence. War crimes by one side in a conflict never justify war crimes by another, and both Israel and Hezbollah must stop using the excuse of the other's misconduct for their own abuses. In particular, the Council's resolution should:

- Call upon the Security Council to condemn serious violations of IHL by both sides to the conflict and call for the parties to scrupulously abide by the laws of war and to distinguish at all times between civilians and combatants;
- Request the Secretary-General of the United Nations to establish an International Commission of Inquiry to investigate violations of IHL and human rights abuses by all parties to the conflict;
- Call for Israel to ensure safe passage for humanitarian relief, including to the area south of the Litani River, and for humanitarian evacuations;
- Call for all parties to protect civilians from arbitrary displacement, to ensure the physical safety and material well-being of all those displaced by the current conflict, and to establish conditions that allow them to return voluntarily, in safety and dignity, to their homes; and
- Insist that all parties cooperate with and provide access to the four special rapporteurs of the HRC who have announced their plans to travel to the Lebanon and Israel.
